

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
Alvin Edwin Brewer) Case No: 3:01CR27-1
Date of Previous Judgment: 4/24/02) USM No: 12402-058
(Use Date of Last Amended Judgment if Applicable)) Lyle J. Yurko
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months months is reduced to 120 months .

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29 Amended Offense Level: 27
Criminal History Category: IV Criminal History Category: IV
Previous Guideline Range: 121 to 151 months Amended Guideline Range: 120 to 125 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment 4/24/02 shall remain in effect.

IT IS SO ORDERED.

Order Date: August 11, 2008

Effective Date: _____
(if different from order date)

Frank D. Whitney